



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS

ARMY CORPS OF ENGINEERS CENTRE

190 FIFTH STREET EAST

ST. PAUL, MN 55101-1638

REPLY TO
ATTENTION OF

June 27, 2001

Construction-Operations
Regulatory (00-04035-MTV)

Mr. Michael Graham
Graham Environmental Services
P.O. Box 189
Ellsworth, Wisconsin 54011

Dear Mr. Graham:

We have reviewed information about a project on the Bob Graziano Development Site. The project site is in SE 1/4 NW 1/4 Sec. 3, T. 26N., R. 9W., Eau Claire County, Wisconsin, as shown on the attached drawing or map.

This jurisdictional determination takes into consideration the U.S. Supreme Court's decision in Solid Waste Agency of Northern Cook County v. Corps of Engineers (the SWANCC decision). The area encompassed by this jurisdictional determination is two wetlands that are approximately 2.26 acres in size.

The subject water body is not a "water of the United States" because it is: (1) not a navigable water, (2) not an interstate water, (3) not part of a tributary system to 1 or 2, (4) not a wetland adjacent to any of the foregoing, and not an impoundment of any of the above. In addition, the interstate commerce nexus to this particular waterbody is insufficient to establish Clean Water Act jurisdiction. This waterbody is therefore not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act.

This jurisdictional determination is valid only for the project and waterbody referenced above. It is based on the Headquarters guidance available to us at this time.

PLEASE NOTE THAT THIS LETTER DOES NOT ELIMINATE THE NEED FOR OTHER FEDERAL, STATE, LOCAL, OR OTHER AUTHORIZATIONS (SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY).

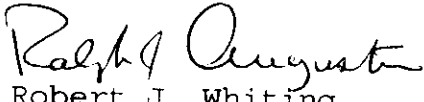
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If you have any questions, contact Mr. David A. Studenski in our St. Paul office at (651) 290-5370. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


for Robert J. Whiting
Chief, Regulatory Branch

Enclosure

Copy furnished to :

WDNR - Eau Claire
Lois Simon, WDNR - Madison